

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DEMARCO MAX VAC CORP.,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 08-cv-77
v.	)	Hon. Samuel Der-Yeghiayan
NORTHWIND AIR SYSTEMS	)	Mag. Judge Maria Valdez
(a Canadian Corporation) d/b/a DUROVAC	)	
INDUSTRIAL VACUUMS, & JAN	)	
OSTERMEIER INDUSTRIAL VACUUMS	)	
SALES LLC (a Wisconsin Corporation),	)	
	)	
Defendants.	)	
_____	)	

**JOINT MOTION TO EXTEND DISCOVERY CUT-OFF DATE**

Plaintiff, Demarco Max Vac Corp., by its attorneys, jointly moves with Defendants, Northwind Air Systems, Jan Ostermeier and Industrial Vacuums Sales LLC, by their attorneys (collectively “Parties”) to Extend the Discovery Cut-Off Date and related deadlines currently set in this matter. In support of this Motion, the Parties state as follows:

1. On March 5, 2008, in conjunction with a status hearing, a minute order was entered setting forth dates for disclosure of expert reports, close of discovery and dispositive motions.<sup>1</sup> In pertinent part, discovery was to be closed as of July 18, 2008.
2. Since that time, Plaintiff served discovery requests upon Defendant and responses were provided on May 28, 2008. Responsive documents were further provided after entry of a protective order by the Court. Defendant served discovery requests upon Plaintiff which are due

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<sup>1</sup> As currently reflected in the 03/05/2008 Minute Order, “Plaintiff’s expert disclosure and reports shall be served by 06/13/2008. Defendants’ expert disclosure and reports shall be served by 06/27/2008. All discovery shall be noticed in time to be completed by 07/18/2008. Dispositive motions are to be filed by 08/18/2008. Responses to the dispositive motions, if any, are to be filed by 09/02/2008 and replies, if any, are to be filed by 09/09/2008.”

on or about July 19, 2008.

3. On July 1, 2008, Plaintiff made a settlement offer to Defendants, but Defendant's counsel has been unable to communicate directly with its clients as of this date to discuss same.

4. Accordingly, in order to provide a meaningful opportunity to explore settlement, the parties jointly and respectfully request this Court to enter an order to provide additional time for these matters to be addressed.

5. Neither party has requested any extensions of discovery in this case prior to this motion.

Wherefore, Plaintiff and Defendants jointly pray that:

- (a) The March 5, 2008 minute order be stricken in its entirety;
- (b) That the parties be afforded a new status date at which time the Court will be apprised as to the status of settlement negotiations;
- (c) That at such time, in the event that settlement does not seem likely, new dates be afforded to the parties for the close of discovery and dispositive motions.

PLAINTIFF

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DEFENDANTS

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